

**REMARKS / ARGUMENTS**

**Status of Claims**

Claims 1-9 and 13-53 are pending in the application. The Examiner rejects all pending claims. Of the pending claims, Applicant has amended Claims 2-4, 8-9, 21, 32, 35-41, and 45-53, leaving Claims 1-9 and 13-53 for consideration upon entry of the present Amendment.

Applicant respectfully submits that the rejections under 35 U.S.C. §112, first paragraph, 35 U.S.C. §112, second paragraph, 35 U.S.C. §102(b), and 35 U.S.C. §103(a), have been traversed, that no new matter has been entered, and that the application is in condition for allowance.

**Objections to the Specification**

The abstract of the disclosure is objected to because of the use of the legal phraseology “means” throughout. MPEP §608.01(b).

Applicant has amended the abstract as suggested by the Examiner to replace the objected language with language considered to be in accordance with MPEP §608.01(b).

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the objection.

**Objections to the Drawings**

The Examiner has objected to the drawings because the Applicant has failed to clearly label the block diagrams of Figures 8 and 9. The Examiner further comments that any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawings. MPEP §608.02(d).

Applicant respectfully submits that MPEP §608.02(d) indicates that features disclosed in the description and claims may be illustrated in the drawings in the form of a labeled representation, and that 37 CFR 1.84n indicates that labeled representations may be used for conventional elements in drawings *where they are adequately identified in*

*the specification.* (Emphasis added). Applicant traverses this objection for the following reasons.

Applicant believes that the burden of a clearly labeled illustration has been met by the numbered labels provided therein and that a clear and concise description of those labels is provided in the specification.

At Paragraphs [0033]-[0036], Applicant describes all elements illustrated in Figure 8 in such clear and concise terms that one skilled in the art would know what numerals 50-59 in Figure 8 represent. Also, at Paragraph [0036], Applicant describes all elements illustrated in Figure 9 in such clear and concise terms that one skilled in the art would know what numerals 1, 20, and 60-64, in Figure 9 represent. Applicant respectfully submits that one skilled in the art is equally apprised of the invention whether the labels in Figures 8 and 9 are numbers or words, as long as the labels are adequately identified in the specification.

In view of the clear and concise description of the drawings provided in the specification as filed, it is unclear what the Examiner considers necessary for an understanding of the drawings. Accordingly, Applicant submits that the drawings are in full compliance with MPEP §608.02(d).

In view of the foregoing, Applicant respectfully requests reconsideration and withdrawal of this objection, which Applicants considers to be traversed.

### **Objections to the Claims**

The claims are objected for reasons relating to misnumbering. The Examiner has renumbered the claims 13-54 to 13-53, as claim 33 was not added.

Applicant has renumbered claims 13-54 to 13-53 in this paper in accordance with the Examiner's observation. Applicant has also amended the dependency of claims depending from renumbered claims.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the objection.

**Rejection Under 35 U.S.C. §112, First Paragraph**

Claims 13-15, 18, 20-22, 25, 26, 28-33, 35-37, 40, 44, 45, and 47-52 are rejected under 35 U.S.C. §112, first paragraph, as containing subject matter that was not described and supported in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Applicant notes that the Examiner has not specifically stated what elements of the rejected claims fail to comply with the written description requirement. Accordingly, the following reasons, which Applicant considers sufficient to traverse this rejection, are believed to be fully responsive to the Examiner's rejections.

Applicant respectfully submits that where the specification provides general guidelines as to the scope of the invention such that one of ordinary skill in the art would know what was meant, the subject matter of the invention would have been described and supported in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. Applicant believes the present specification and claims satisfy that burden.

**Regarding Claims 13-15 and 18**

At Paragraphs [0029]-[0031] and Figures 5-6, Applicant describes and illustrates elements 36, 38 and 41, for use in test tools 34 or 37, with an x-ray beam 13 or 43 passing therethrough.

**Regarding Claims 20-22, 25 and 26**

At Paragraphs [0024]-[0026], [0029]-[0031] and [0037] and Figures 1-2, 5-6, Applicant describes and illustrates a disk 17 (having seven zones or test tools 22-28), a tool 34, and a tool 37, which are embodiments of a means for testing, that may be separate from or integrated with a collimation device 1.

**Regarding Claims 28-33**

At Paragraphs [0025] and [0029]-[0030] and Figures 2 and 5-6, Applicant describes and illustrates zones 27 and 28 having metal plates of different thicknesses, zone 26 having a heavy metal plate, zones 24 and 25 having phantoms of differing characteristics, zone 22 being empty or absent a tool element, a rotatable cylinder 35

having a plurality of elements 36, and a plurality of plates 38-41 hinged at a common pivot 42.

Regarding Claims 35-37, 40, 44, 45, and 47-52

At Paragraphs [0025]-[0030] and Figures 1-5, Applicant describes and illustrates a test kit 29 having a plurality of elements on disk 17 that enables testing of the spectral quality of the emission means (x-ray for example), testing of the image quality (at the receiving means for example), and calibration of exposure parameters (such as radiation dose for example). Also described and illustrated are seven zones 22-28 (comprising a test tool or disk 17) for blocking or transmitting the energy beam 13, the zones 22-28 having metal plates of different thicknesses (zones 27, 28), phantoms of differing characteristics (zones 24, 25), a heavy metal plate (zone 26), and the absence of a tool element (zone 22). Also described and illustrated for test kit 29 is an alternative tool 34 having a rotatable cylinder 35 with a plurality of elements 36, and an alternative tool 37 having a plurality of plates 38-41 hinged at a common pivot 42.

Here, Applicant has clearly and precisely described and illustrated the claimed invention in such a manner that reasonably conveys to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

Accordingly, Applicant respectfully requests the Examiner to reconsider and withdraw this rejection, which Applicant respectfully considers to be traversed.

In view of the foregoing, Applicant respectfully submits that the specification provides general guidelines as to the scope of the invention such that one of ordinary skill in the art would know what was meant, and that the subject matter of the invention has been described and is supported in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention, and therefore respectfully requests reconsideration and withdrawal of all rejections under 35 U.S.C. §112, first paragraph.

**Rejections Under 35 U.S.C. §112, Second Paragraph**

Claims 1-8, 13-41, and 46-53 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicant regards as the invention. The Examiner comments that each and every problem with the claims has not been pointed out, that only a few examples of such problems are provided, and that Applicant should review all claims and amend as appropriate.

Applicant notes that under 37 CFR 1.104(b) the Examiner's action is required to be complete to all matters. However, in the interest of advancing the instant application to issuance, Applicant has made additional clarifying amendments above and beyond the Examiner's examples. Accordingly, the following reasons, which Applicant considers sufficient to traverse this rejection, are believed to be fully responsive to the Examiner's rejections.

Applicant respectfully submits that where the specification provides general guidelines as to the scope of the invention such that one of ordinary skill in the art would know what was meant, the subject matter of the invention would have been described and supported in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. Applicant believes the present specification and claims satisfy that burden.

**Regarding Claim 1**

The Examiner comments that the phrase "capable of being" is indefinite, and that the phrase "the collimation device" is indefinite because it is used relative to the "capable of being" language.

Applicant submits that there is nothing inherently wrong with defining some part of an invention in functional language. MPEP §2173.05(g). Functional language does not, in and of itself, render a claim improper. MPEP §2173.05(g) citing *In re Swinehart*, 439 F.2d 210, 169 USPQ 226 (CCPA 1971). A functional limitation must be evaluated and considered, just like any other limitation of the claim, for what it fairly conveys to a person of ordinary skill in the pertinent art in the context in which it is used. It has been held that the limitations "incapable of forming", "capable of being", and "adapted to be",

have been acceptable and definite. MPEP §2173.05(g) citing *In re Barr*, 444 F.2d 588, 170 USPQ 33 (CCPA 1971), and *In re Venezia*, 530 F.2d 956, 189 USPQ 149 (CCPA 1976).

Applicant submits that the invention of Claim 1 is directed to a collimation device comprising means for testing operation of an assembly, the means for testing comprising means for providing a plurality of test tools, and means for sensing the position of each test tool. In the preamble of Claim 1, the collimation device 1 is *capable of being installed* at an output 15 of an X-ray source and is *capable of being connected to* a control unit 20. In the body of Claim 1, the collimation device comprises the means for testing operation of *an assembly formed by* the means for emission of an energy beam and the collimation device and means for receiving the energy beam. In comparing the language of the preamble to the language of the body of Claim 1, Applicant finds no contradiction or indefiniteness. The “capable of being” language in the preamble, in and of itself, is not indefinite, and is directed to an ability to *install* or *connect*, and “the collimation device” language, in and of itself, also not indefinite, is directed to the testing of an assembly *formed by* itself and two other elements.

The Examiner appears to be reading Claim 1 as both requiring and not requiring “the collimation device”. Applicant, however, respectfully submits that Claim 1 should be read as requiring “the collimation device”, but not requiring that it be *installed* at an output of means for emission of an energy beam or requiring that it be *connected to* a control unit. In the alternative, “the collimation device” may be disposed, not installed, at an output of means for emission of an energy beam, and may be disconnected from, not connected to, a control unit, which would comply with the language of Claim 1 and render the claim definite.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of this rejection, which Applicant considers to be respectfully traversed.

Regarding Claim 2

Applicant has amended the language of Claim 2 to remove the lack of antecedent basis and indefiniteness. Accordingly, Applicant respectfully request reconsideration and withdrawal of this rejection, which Applicant considers to be respectfully traversed.

Regarding Claims 5 and 6

The Examiner comments that the “capable of being” language renders the subject claim indefinite.

Applicant has remarked on the use of the “capable of being” language early in this paper in regard to Claim 1, and incorporates herein by reference the same remarks as they relate to Claims 5 and 6. Regarding Claims 5 and 6 specifically, Applicant is claiming that the various means are capable of being commanded by the control unit, as opposed to a different art that is not capable of being commanded by the control unit, and that the various means are capable of being remote-controlled by a computer, as opposed to a different art that is not capable of being remote-controlled by a computer.

Applicant submits that the subject claim language fairly conveys to one skilled in the art a collimation device that is capable of being controlled, is capable of being distinguished over other art, and is therefore not indefinite. Accordingly, Applicant respectfully requests reconsideration and withdrawal of these rejections, which Applicant considers to be respectfully traversed.

Regarding Claim 8

Applicant has amended the claim language of Claims 8 and 9 to now recite “a sensor for sensing the position of each test tool”, which finds support in the specification at Paragraphs [0024]-[0026] and removes grammatically confusing language alleged by the Examiner.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of these rejections, which Applicant considers to be respectfully traversed.

Regarding Claim 21

Applicant has amended the claim language to replace the term “separate” with the term --separable--, which finds support in the specification at Paragraph [0028] and Figure 3. Here, Applicant describes a collimation device where casing 16 may be integrated with or separate from casing 2 via lugs 30, 31, thereby providing a means for testing that is separable from the collimation device.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of these rejections, which Applicant considers to be respectfully traversed.

Regarding Claims 32 and 51

Applicant has amended the subject claims to replace the phrase “the plurality of elements” with --the means for testing--, which finds support in the specification at Paragraph [0029]. Here, Applicant describes a collimation device 1 where the means for testing is a cylindrical structure 35 around which is placed a plurality of rectangular elements 36.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of these rejections, which Applicant considers to be respectfully traversed.

Regarding Claim 35

Applicant has amended the subject claim language to remove the lack of antecedent basis.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of these rejections, which Applicant considers to be respectfully traversed.

Regarding Claims 36-41

Applicant has amended the subject claim language to remove the lack of antecedent basis. The phrase “the plurality of elements” has been replaced with --the plurality of test tools--, which finds support in the specification at Paragraphs [0025] and [0028].

Accordingly, Applicant respectfully requests reconsideration and withdrawal of these rejections, which Applicant considers to be respectfully traversed.

Regarding Claims 3-6, 9, and 35-53

The Examiner comments that the subject claims are incomplete for omitting essential structural cooperative relationships of elements, that uncertainty exists as to how the subject matter of Claims 3 and 4 relate to Claim 1, and that Claim 9 is indefinite as to how the given elements relate with one another.

Applicant has amended Claims 3, 4 and 9, to more specifically and clearly identify the subject matter that Applicant regards as the invention, and to more clearly relate the cooperative relationship of elements. Support for all claim amendments is found in the specification at Paragraphs [0023]-[0025].

Accordingly, Applicant respectfully requests reconsideration and withdrawal of these rejections, which Applicant considers to be respectfully traversed.

In view of the foregoing, Applicant respectfully submits that the claimed subject matter is described in such a manner that reasonably conveys to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention, and therefore respectfully requests reconsideration and withdrawal of all rejections under 35 U.S.C. §112, second paragraph..

**Rejection Under 35 U.S.C. §102(b)**

Claims 1-5, 7-9, 13-20, 22, 23, 25-27, 29, 30, 32, 35-42, 44-46, 48, 49, and 51, are rejected under 35 U.S.C. §102(b) as being anticipated by Oikawa (U.S. Patent No. 5,625,661) (hereinafter, Oikawa). Applicant traverses this rejection for the following reasons.

Oikawa discloses an X-ray CT apparatus (Fig. 4) having a moving collimator 13 for limiting the emission range of X-rays. (Col. 11, lines 40-43). Notably absent from Oikawa is a collimation device comprising means for testing operation of an assembly formed by the means for emission of an energy beam and the collimation device and means for receiving the energy beam.

Applicant respectfully submits, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, *in a single prior art reference.*” *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). Moreover, “[t]he identical invention must be shown in as complete detail as is contained in the \*\*\* claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

In comparing Oikawa with the instant invention, Applicant respectfully submits that independent Claims 1 and 8 include the element of “... means for testing operation of an assembly formed by the means for emission of an energy beam and the collimation device and means for receiving the energy beam...”, and that independent Claim 9 includes the element of “... means for testing the operation of the collimation device... the

means for testing comprising a plurality of test tools with a sensor for sensing the position of each test tool.” Applicant finds no disclosure of these elements in Oikawa, and the Examiner has not explained how Oikawa does disclose these elements. Dependent claims inherit all of the limitations of the respective parent claim.

The Examiner alleges the Oikawa teaches a collimation device 13 having means for testing (Fig. 19) operation of an assembly formed by the means for emission of an energy beam and the collimation device and means for receiving the energy beam. However, the Examiner fails to point to a single feature of Oikawa that actually discloses this claimed element. For a reference to be anticipatory, the reference must not merely teach, but must disclose each and every element of the claimed invention, which Oikawa fails to do. Applicant submits that the Examiner’s allegation of anticipation is purely conclusory, and that the Examiner has provided no specific showing of each and every element of the claimed invention.

Additionally, the Examiner alleges that Oikawa teaches a means for testing (Fig. 19) comprising means for providing a plurality of test tools (slits 62 in Fig. 19). However, the Examiner fails to show how Oikawa discloses the means for testing having a plurality of test tools. At Col. 11, line 40, through Col. 12, line 12, Oikawa discloses a collimator 13 having slits 62 for limiting the emission range of X-rays to width D in the direction perpendicular to the plane of revolution of X-ray detector 12. Applicant fails to find in Oikawa any disclosure relating to a means for testing comprising means for providing a plurality of test tools, as claimed in the instant invention. Contrary to the Examiner’s allegation, Applicant finds collimator 13 having slits 62 for limiting the emission range of X-rays to width D, and not for testing operation of an assembly formed by the means for emission of an energy beam and the collimation device and means for receiving the energy beam.

In order for the Examiner’s allegation to be correct, one skilled in the art would have to disregard Oikawa’s collimator 13 having slits 62 disclosed only for limiting the emission range of X-rays to width D, and then read into Oikawa that which is not specifically disclosed, namely a plurality of test tools for testing operation of an assembly

formed by the means for emission of an energy beam and the collimation device and means for receiving the energy beam.

Accordingly, Applicant submits that Oikawa fails to disclose each and every element of the claimed invention, and respectfully requests reconsideration and withdrawal of these rejections, which Applicant considers to be traversed.

Regarding Claims 2 and 5 Specifically

The Examiner alleges that Oikawa's means for emission (11) inherently has a control unit and that the control parameters thereof are going to be calibrated.

Contrary to the claimed invention, Oikawa fails to disclose a collimation device comprising means for testing. While Oikawa's means for emission may have a control unit and the control parameters thereof may be calibrated, Oikawa does not disclose the collimation device itself having a means for calibrating an operating parameter used by a control unit, as claimed in the instant invention.

Regarding Claims 3 and 4 Specifically

The Examiner alleges that Oikawa's means for emission (11) is tested. However, the Examiner refers to not a single feature of Oikawa that actually discloses Oikawa's collimation device comprising a means for testing. As stated previously, Oikawa's collimation device 13 having slits 62 is disclosed as being for limiting the emission range of X-rays, and is not disclosed as being for testing.

Regarding Claim 8 Specifically

The Examiner alleges that Claim 8 parallels that of Claim 1.

Contrary to the Examiner's allegation, the invention of Claim 1 is directed to a collimation device, and the invention of Claim 8 is directed to a radiology apparatus. Claim 8 includes, *inter alia*, the elements of means for emission of an energy beam, means for reception of the energy beam, and a control unit. In comparison, Claim 1 does not include these elements. In applying a reference for anticipatory purposes, the Examiner must show each and every element of the claimed invention. Here, the Examiner has not made such a showing.

Regarding Claim 9 Specifically

The Examiner alleges that Oikawa's position sensor (63) of the collimation device (61) is in fixed relationship with the collimation device and senses the position, and thus tests, the collimation device. The Examiner interprets the position sensor (63) to be the "test kit" of the claimed invention.

Applicant respectfully submits that the invention of Claim 9 is directed to a test kit having, *inter alia*, means for testing the operation of the collimation device, the means for testing comprising a plurality of test tools with a sensor for sensing the position of each test tool. By equating Oikawa's position sensor (63) with the claimed "test kit", the Examiner is disregarding the other claimed elements that comprise the "test kit" of the instant invention. For a reference to be properly applied for anticipatory purposes, the reference must disclose each and every element of the claimed invention. Here, the Examiner has not made such a showing.

Regarding Claims 13-19 Specifically

The Examiner alleges that the plurality of slits (62) are the plurality of elements of the claimed invention that provide the means for testing spectral quality, calibrating radiation dose, evaluating image quality, blocking the energy beam, permitting the energy beam, and providing a phantom (col. 11, lines 65+, and Figs. 19 and 20).

Contrary to the Examiner's allegation, Applicant finds no disclosure in Oikawa regarding the ability of slits (62) to perform any such testing. At col. 11, line 42, collimator 13 is disclosed for limiting the emission range of X-rays to width D, and at col. 11, line 65+, collimator 16 is disclosed as being modified in the form of a rotatable disk 61. Applicant finds no disclosure in col. 11, lines 65+ that collimator 16 or 61 and slits 62 provide a means for testing.

Regarding Claims 20 and 22 Specifically

The Examiner alleges that Oikawa "suggests" the claimed subject matter of the instant invention. However, the Examiner refers to no structure in Oikawa that actually discloses the claimed invention, and relies instead on a broad conclusory statement. For a reference to be properly applied for anticipatory purposes, the reference must disclose

each and every element of the claimed invention. Here, the Examiner has not made such a showing.

Regarding Claims 25 and 26 Specifically

The Examiner alleges that the plurality of slits (62) is the plurality of test tools of the instant invention, and interprets each slit as being in a separate zone.

Applicant has commented earlier regarding the slits (62) of collimator 13 that serve the purpose of limiting the emission range of X-rays to width D, and the absence of any disclosure in Oikawa relating to the use of slits (62) as test tools. Oikawa's slits (62) are for limiting the emission range of X-rays, and are not for a means for testing having a plurality of test tools. A reference that does not disclose a claimed structure for performing a claimed function cannot be anticipatory.

Regarding Claims 27 and 30 Specifically

The Examiner alleges that the plate (61) of Oikawa is a metal plate of a given thickness. In making this allegation, the Examiner appears to be disregarding the fact that in the instant invention the means for testing comprises a plurality of elements, as recited in Claim 13 from which Claims 27 and 30 depend. If the Examiner's allegation were true, the Oikawa's plate (61) would be the means for testing, which is substantially different from the plurality of elements of the instant invention being the means for testing, as specifically claimed.

Regarding Claim 29 Specifically

The Examiner alleges that Figure 20 of Oikawa "suggests" the claimed invention.

Contrary to the claimed invention, which is directed to a collimation device and includes all of the elements of Claims 1, 13, 16 and 29, Figure 20 merely discloses two disks 61, 71 for improving the symmetry of collimation. (Col. 12, lines 12-20). From Figure 20, it is unclear to Applicant how the Examiner can reach the conclusory statement that Figure 20 "suggests" the claimed invention when not all elements of the claimed invention are shown in Figure 20.

Regarding Claim 32 Specifically

The Examiner alleges that Oikawa's plate (61) can be interpreted as a cylinder with the plurality of elements (62).

For a reference to be properly used for anticipatory purposes, the reference must disclose each and every element of the claimed invention. Here, Oikawa does not disclose a means for testing comprising a rotatable cylinder, and therefore cannot be anticipatory.

Regarding Claims 35-41 Specifically

The Examiner alleges that Claims 35-41 parallel that of Claims 13-19.

Contrary to the Examiner's allegation, the invention of Claims 35-41 are directed to a test kit, while the invention of Claims 13-19 are directed to a collimation device. A comparison of the elements of the two sets of claims, including the elements of the parent claims and any intervening claims, finds the two sets of claims to have different elements and a different scope. Accordingly, what may be anticipation in one set of claims may not necessarily be anticipation in the other set. In applying a reference for anticipatory purposes, the Examiner must show each and every element of the claimed invention. Here, the Examiner has not made such a showing.

Regarding Claims 42, 44-46, 48, 49, and 51 Specifically

The Examiner alleges that Claims 42, 44-46, 48, 49, and 51, parallel that of Claims 23, 25-27, 29, 30, and 32.

Contrary to the Examiner's allegation, the invention of Claims 42, 44-46, 48, 49, and 51, are directed to a test kit, while the invention of Claims 23, 25-27, 29, 30, and 32, are directed to a collimation device. A comparison of the elements of the two sets of claims, including the elements of the parent claims and any intervening claims, finds the two sets of claims to have different elements and a different scope. Accordingly, what may be anticipation in one set of claims may not necessarily be anticipation in the other set. In applying a reference for anticipatory purposes, the Examiner must show each and every element of the claimed invention. Here, the Examiner has not made such a showing.

In view of the amendments and foregoing remarks, Applicant submits that the cited references do not separately disclose each and every element of the claimed invention and therefore cannot be anticipatory. Accordingly, Applicant respectfully

submits that the Examiner's rejection under 35 U.S.C. §102(b) has been traversed, and requests that the Examiner reconsider and withdraw all rejections under 35 U.S.C. §102(b).

**Rejections Under 35 U.S.C. §103(a)**

Regarding Claims 6, 24, and 43, Applicant has either amended a respective parent claim or an intervening claim, or has provided clarifying remarks regarding patentability of the claimed invention, in reference to the rejections under 35 U.S.C. §102(b) provided earlier in this paper.

Dependent claims inherit all of the limitations of the respective parent claim and any intervening claim.

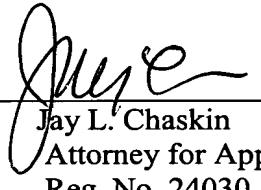
In view of the amendments to the claims, in combination with the discussions earlier regarding the rejections under 35 U.S.C. §102(b), Applicant respectfully requests reconsideration and withdrawal of all rejections under 35 U.S.C. §103(a), which Applicant considers to be traversed.

In light of the forgoing, Applicant respectfully submits that the Examiner's rejections under 35 U.S.C. §112, first paragraph, 35 U.S.C. §112, second paragraph, 35 U.S.C. §102(b), 35 U.S.C. §103(a), have been traversed, and respectfully requests that the Examiner reconsider and withdraw all of these rejections.

The Commissioner is hereby authorized to charge any additional fees that may be required for this amendment, or credit any overpayment, to Deposit Account No. 09-0470.

In the event that an extension of time is required, or may be required in addition to that requested in a petition for extension of time, the Commissioner is requested to grant a petition for that extension of time that is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the above identified Deposit Account.

Respectfully submitted,  
SUNDERMANN ET AL.

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